

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT GLENNALLEN

JOHN W. DYE,

Petitioner,

vs.

STATE OF ALASKA,

Respondent.

TRIAL COURT
CASE NO. 3GL-17-00095CR

SUPREME COURT NO. S-18158

REPORT TO SUPREME COURT REGARDING PETITIONER'S REQUEST TO
REPRESENT HIMSELF

On September 1, 2021, the trial court held a representation hearing for the petitioner. The hearing was telephonic. Mr. Dye appeared by phone, as well as Ms. McFarland from the public defender's office, and Ms. Del Frate from the district attorney's office.

This court discussed with Mr. Dye that an attorney will know procedure and legal arguments that he may not know, and that by representing himself, he waives any argument of ineffective assistance of counsel. Mr. Dye is aware of the procedure required to present an appeal to the Supreme Court, and appears minimally competent to be able to present such a case.

Mr. Dye intimated that he believes he has received ineffective assistance of counsel both at the trial court level, and at the appellate level, and believes that he will be able to present his case to the Supreme Court without issue. Mr. Dye understands that he will need to prepare a brief/petition to the Supreme Court which will need to cite rules, statutes, regulations, and/or any legal authority that he intends to rely on in making his argument.

Mr. Dye stated that he's studied the law, including federal law, since the time of his arrest, and has watched Supreme Court oral arguments on Youtube, giving him an understanding of the process and way in which he must conduct himself. Mr. Dye stated he intends to rely on legal precedent in writing his petition.

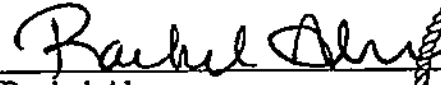
Mr. Dye understands that by appealing to the Supreme Court, it will not be a chance for him to relitigate the case, although he stated he does intend to rely on the facts and his innocence to help prove his case to the Supreme Court.

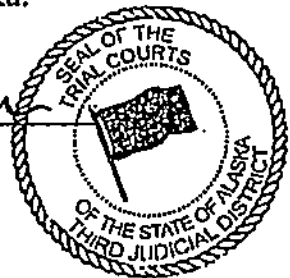
Ms. McFarland, who was originally appointed to represent Mr. Dye, stated that she will provide Mr. Dye with a copy of the Rule of Appellate Procedure that apply to his case, as well as some sample petitions for him to use in drafting his own petition.

Additionally, Mr. Dye is aware that he will have to act with the proper decorum during any proceedings moving forward.

Based on this court's inquiry with Mr. Dye, the court makes the following findings: Mr. Dye understands his right to counsel, as well as the benefits of counsel. Mr. Dye appreciates the risk of proceeding without an attorney and is choosing to proceed pro se for his own purposes, and not to spite appointed counsel or delay matters. Mr. Dye has the minimal skills required to present his case to the Supreme Court.

DATED this 1st day of September, 2021, at Valdez, Alaska.


Rachel Ahrens
Superior Court Judge



CERTIFICATE OF SERVICE

I certify that on 9/1/21
a copy of the above was emailed/mailed to each of the
following at their addresses of record:
McFarland / Brady / Wiedle / Traini / D'Eimon

Clerk 